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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,706	08/21/2000	Norman John Alfred Hurst	827.1.016	8911

7590 10/07/2002
Watov & Kipnes
PO Box 247
Princeton Junction, NJ 08550

EXAMINER

SALVATORE, LYND A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/07/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,706

Applicant(s)

HURST ET AL

Examiner

Lynda M Salvatore

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3-13 and 15 are further rejected for their dependency on claim 1.
3. Claim 1 is indefinite because it is unclear to the Examiner what having "alternate portions exposed at opposite sides of the strip or tape". Claim 1 is further indefinite because it is unclear to the Examiner what "pressing" the "strip" into adjacent components would accomplish. Is the "strip" meant to be an adhesive backed seaming material that is activated by thermal means? In the instant case, the act of "pressing" alone would not allow the "strip" to stay in place.
4. Claim 2 is indefinite because it is unclear to the Examiner how the yarns are "sharply bent" by the structure of the strip or tape and how this arrangement would produce a "corona discharge". Are the electrically conductive yarns of the components "sharply bent" or the electrically conductive yarns of the strip or tape?
5. The terms "more widely" in claim 3 are relative terms, which renders the claim indefinite. The terms "more widely" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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6. Claim 14 recites the limitation "pant cuffs to associated boots, respectively" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-3 and 6-15 are rejected under 35 U.S.C. 102 (e) as being anticipated by Banks, US 5,991,922.

The patent issued to Banks discloses a static electricity dissipation garment that is connected to a voltmeter (Abstract and Figure 1). The garment comprises a pantsuit having a torso region, arm sleeves, cuffs, and leg portions (Figure 1). The pantsuit is woven from electrically conductive polyester fibers (Column 3, lines 66-Column 4, lines 1-2). The strands are spaced apart and oriented in a crisscross pattern (Column 4, lines 3-5). An electrically conductive ribbon edges the garment and works in conjunction with the electricity dissipation circuit

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(Column 4, lines 4-8). The electrically conductive ribbon is made from the same material as the suit elements having the fibers arranged in a closely spaced apart manner to promote conductivity (Column 4, lines 8-11). The electrically conductive ribbon is attached to the garment sections by means of stitching (Column 4, lines 50-54). One length of ribbon extends from the cuff of a sleeve section down to the underarm section and then upward within the seam across the collar and down then part way down the opposite arm seam. A length of ribbon also extends from down the torso section and all the way along a leg section seam (Column 4, lines 12-39 and Figure 1). The electrically conductive garment further comprises transverse sections located at a leg seam section (Figure 1 and Column 4, lines 30-39), which further comprises extensions that connect to the electrically conductive ribbon. The extension also includes an electrical connector, which can connect to an electrical wire and terminates in a plug connector (Column 4, lines 40-45 and Figure 1). The invention of Banks further comprises electrically conductive boots that are connected to the leg section of the garment with snaps (Column 5, lines 31-35). The boots also include an electrically conductive sole and includes the electrically conductive ribbon (Column 6, lines 59-65 and Figures 12 and 13).

In view of the 112 2nd rejection with respect to limitation of "pressed into electrically conductive arrangement" recited in claim 1, the Examiner is broadly interpreting this limitation to mean in contact with adjacent garment member components. As such, this limitation would be met by the electrically conductive ribbon element, which is stitched into and therefore in contact with, adjacent garment member components.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banks, US 5,991,922.

Banks fails to disclose the diameter of the electrically conductive polyester yarns, however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the diameter of the yarns used in the garment and electrically conductive ribbon in order to enhance the electrical conductive dissipation properties. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4546497
US 6302993
US 4753088
US 5802607
US 4596053
US 5960475
US 3699590

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US 3422460

US 3986530


US 4422483


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070.

The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls 
October 1, 2002


CHERYL A. JUSKA
PRIMARY EXAMINER